

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**DOUGLAS R. CORNELL JR.,
on behalf of himself and others
similarly situated,**

Plaintiff,

V.

BROCK & SCOTT, PLLC,

Defendant.

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Case No. 3:14-CV-00841-REP

DEFENDANT, BROCK & SCOTT, PLLC'S,
ANSWER AND AFFIRMATIVE DEFENSES

Defendant, Brock & Scott, PLLC (Brock & Scott), through counsel and under the Federal Rules of Civil Procedure, submits this Answer and Affirmative Defenses to the Class Action Complaint filed by plaintiff, Douglas R. Cornell, Jr. (plaintiff), and states:

INTRODUCTION

1. Brock & Scott admits plaintiff purports to bring this action for alleged violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*, but denies any violations, liability or wrongdoing under the law. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 1.

JURISDICTION

2. Brock & Scott admits jurisdiction is proper. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 2.

PARTIES

3. Upon information and belief, Brock & Scott admits plaintiff is a natural person. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 3 as calling for a legal conclusion.

4. Brock & Scott admits it is a law firm with an office located at 44121 Harry Byrd Highway, Ste. 245, Ashburn, VA 20147. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 4.

5. Brock & Scott denies the allegations in ¶ 5 as calling for a legal conclusion.

STATEMENT OF FACTS

6. Brock & Scott admits it is a law firm. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 6.

7. Brock & Scott's website speaks for itself and is the best evidence of its contents. To the extent plaintiff's allegations state otherwise, Brock & Scott denies the allegations in ¶ 7.

8. Brock & Scott's website speaks for itself and is the best evidence of its contents. To the extent plaintiff's allegations state otherwise, Brock & Scott denies the allegations in ¶ 8.

9. Brock & Scott admits sometimes it is retained to enforce home loans. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 9.

10. Brock & Scott's correspondence speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 10.

11. Brock & Scott's correspondence speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 11.

12. Brock & Scott denies the allegations in ¶ 12 for lack of knowledge or information sufficient to form a belief therein and as calling for a legal conclusion.

13. Exhibit A speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 13.

14. Brock & Scott denies the allegations in ¶ 14 as calling for a legal conclusion.

15. Exhibit A speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 15.

16. Exhibit A speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 16.

17. The FDCPA speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 17.

18. The FDCPA speaks for itself and is the best evidence of its contents. To the extent the allegations in ¶ 18 state otherwise, Brock & Scott denies the allegations in ¶ 18.

19. Brock & Scott denies the allegations in ¶ 19.

20. Exhibit A speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott deny the allegations in ¶ 20.

21. Exhibit A speaks for itself and is the best evidence of its contents. To the extent the allegations state otherwise, Brock & Scott denies the allegations in ¶ 21.

22. Brock & Scott denies the allegations in ¶ 22.

23. Brock & Scott denies the allegations in ¶ 23.

24. Brock & Scott denies the allegations in ¶ 24.

25. Brock & Scott denies the allegations in ¶ 25.

26. Brock & Scott denies the allegations in ¶ 26.

27. Brock & Scott denies the allegations in ¶ 27.

28. Brock & Scott denies the allegations in ¶ 28.

29. Brock & Scott denies the allegations in ¶ 29.

30. Brock & Scott admits it is a law firm and part of its practice is related to foreclosures. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 30.

31. Brock & Scott denies the allegations in ¶ 31.

CLASS ACTION ALLEGATIONS CLASS

32. Brock & Scott admits plaintiff purports to bring this action as a class action but denies this action meets the requirements of Fed. R. Civ. P. 23, and further denies any and all violations, liability and damages under the law. Except as specifically admitted, Brock & Scott denies the allegations in ¶ 32.

33. Brock & Scott denies the allegations in ¶ 33.

34. Brock & Scott denies the allegations in ¶ 34.

35. Brock & Scott denies the allegations in ¶ 35.

36. Brock & Scott denies the allegations in ¶ 36.

37. Brock & Scott denies the allegations in ¶ 37.

38. Brock & Scott denies the allegations in ¶ 38.

COUNT ONE:
VIOLATIONS OF THE FDCPA, 15 U.S.C. § 1692g(a)(3)

39. Brock & Scott reasserts the foregoing as if fully set forth herein.

40. Brock & Scott denies the allegations in ¶ 40.

41. Brock & Scott denies the allegations in ¶ 41.

COUNT TWO:
VIOLATION OF THE FDCPA, 15 U.S.C. § 1692e(10)

42. Brock & Scott reasserts the foregoing as if fully set forth herein.

43. Brock & Scott denies the allegations in ¶ 43.

44. Brock & Scott denies the allegations in ¶ 44.

BROCK & SCOTT'S AFFIRMATIVE DEFENSES

1. To the extent any violations are established, any such violations were not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

2. Brock & Scott denies any liability; however, regardless of liability, plaintiff has suffered no actual damages as a result of Brock & Scott's purported violations.

3. One or more claims asserted by plaintiff are barred by the statute of limitations, laches, estoppel, waiver and/or unclean hands.

4. Assuming plaintiff suffered any damages, he has failed to mitigate his damages or take other reasonable steps to avoid or reduce his damages.

5. Any harm suffered by plaintiff was legally and proximately caused by persons or entities other than Brock & Scott and were beyond the control or supervision of Brock & Scott or for whom Brock & Scott was and is not responsible or liable.

6. Plaintiff has failed to state a claim against Brock & Scott upon which relief may be granted.

WHEREFORE, Defendant, Brock & Scott, PLLC, requests the Court dismiss this action with prejudice and grant it any other relief that the Court deems appropriate.

Respectfully submitted,

Brock & Scott, PLLC

By: "/s/"
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2015 I electronically filed a true and exact copy of the foregoing Defendant, Brock & Scott, PLLC's Answer and Affirmative Defenses with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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